

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:08cv406**

**BILLY RAY JORDAN,**

**Plaintiff,**

**Vs.**

**INTERSTATE ROAD MANAGEMENT  
CORP.,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the court on defendant's Motion to Dismiss the Amended Complaint. Review of that pleading reveals that former counsel for plaintiff failed to file the plaintiff's Amended Complaint, as instructed, prior to being relieved in this matter. The Clerk of this court will be instructed to file the proposed Amended Complaint (docket entry #16-1) as the Amended Complaint, with a protective filing date of November 3, 2008.

**ORDER**

**IT IS, THEREFORE, ORDERED** that the Clerk of this court is instructed to file the proposed Amended Complaint (docket entry #16-1) as the Amended Complaint, with a protective filing date of November 3, 2008, *nunc pro tunc*.

Signed: December 1, 2008

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

